

Town of Moretown Development Review Board
79 School Street, Moretown, Vermont 05660

Minutes of Hearings Held March 25, 2021

Because of the Covid-19 Pandemic this hearing was held by Zoom videoconference with the call-in link provided in the Published Warning and Notices mailed abutting landowners. Present for the Board were John Riley, Paula Woods, Erick Titrud, Jim O'Neill, and David Russo. Participation in the hearings held was as noted below in the Minutes of each of the two hearings.

Application No. 21-07: Request of Nina Otter and Matthew Williams for 2 Lot Subdivision Off Moretown Mountain Road

Present were the Applicants Nina Otter and Matthew Williams. Also Zoning Administrator David Specht. Craig Oshkello and Noam Finkelstein were in the meeting to participate in the Living Tree LLC second hearing.

In advance of the meeting the Board received the Subdivision Application, DRB Application, a copy of Permit WW-5-3735-5 dated February 18, 2021, as well as a survey titled "Proposed Subdivision -Otter/Williams Land, Moretown, Vermont", edited December 24, 2020 to depict the subdivision proposal and boundary adjustments, prepared by Paul W. Hannan, L.S.

As an introduction to the application, David Specht noted he could have administratively approved the two lot subdivision except the Applicants had previously subdivided the parcel acquired from Timbervest in 2018 as a 3 lot subdivision. The total number of subdivided lots under the Ordinance required review by the DRB.

Nina Otter and Matthew Williams own a contiguous two acre parcel at 93 Howes Road. It appears on the Survey as Pratt Lot 2 and contains their residence. They acquired additional acreage to the rear of their residential parcel from Timbervest Partners in August 2018. This appears to have consisted of approximately 110 acres. 45.9 acres were conveyed to Jonathan and Leslie Siegel as an addition to their property on Hathaway Road. 3.5 acres were conveyed to Robert Blodgett and Jeff Hudson which is contiguous to their residential parcel on Howes Road. Nina and Matthew retained the balance.

The present subdivision proposal is to create Lot 1A consisting of 6.5 acres with frontage on Moretown Mountain Road. The meeting packet materials included the State wastewater permit with an approved septic design for Lot 1A, and remaining 53.2 acres subject to deferral.

The anticipated access for the new lot is along an old logging road. The Town of Moretown has issued a curb cut permit for the lot from Moretown Mountain Road.

During discussion it was noted the remaining large lot which is subject to deferral has separate access from Moretown Mountain Road.

The subdivision plan also depicts a boundary adjustment between Ms. Otter and Mr. Williams and their neighbors, Pratt. David Specht clarified there is a separate zoning application for the boundary line adjustment which he approved administratively, and which did not require DRB approval. During questions it was also clarified that the proposed new lot is subject to a one rod wide right of way that connects the two parcels under Pratt ownership.

The boundaries for Lot 1A have been surveyed but pins have not been placed pending subdivision approval. Erick moved to approve the application as presented on the condition that the final mylar survey for Lot 1A and Lot 1 be recorded as required by the Ordinance and depict the curb cut location and the proposed driveway access. Paula seconded. All approved the motion.

Following completion of the first hearing at 7:02 p.m., John Riley asked for a short recess to make a brief telephone call. He returned at 7:05 p.m. and convened the second hearing.

Application No. 21-06: Application of Living Tree LLC for Modification of PUD Approval Set Forth in DRB Decision 15-01, Dated April 30, 2015

Present for the Applicant was Craig Oshkello. Also present was Noam Finkelstein. David Specht also participated in the hearing.

In advance of the meeting the Board received the zoning permit application with Craig Oshkello cover letter dated March 3, 2021, the DRB application, a copy of a second letter of Craig Oshkello noting he served as an alternate on the Board, as well as a May 2019 wastewater permit amendment relating to Lot 1. Also Sheet 1 of 2 of the Living Tree Common Interest Community Survey by Nathan Yager dated February 1, 2019.

The proposed amendment is to revise the 2015 Planned Community with respect to Units 4 and 5. Under the initial approval, two footprint lots were associated with Units 4 and 5 for a single duplex residence. The right of way access is in place. To date, there has not been interest in parties being part of a duplex. Noam and his wife Paige have purchased Unit 4 on which they plan to construct a single family residence. The proposal is to amend the earlier approval to allow separate single family residences on Units 4 and 5.

David Specht as an introduction stated he believed as Zoning Administrator this was sufficiently substantive that it required review of the Development Review Board.

During the discussion some consideration was given to requiring any structure on Unit 4 to be offset at least 12.5 feet from the common boundary with Lot 5. Craig asked that based on site conditions no such restriction be imposed, but rather that the residences for Lot 4 and Lot 5 simply be subject to a minimum 25 foot separation.

Craig also indicated that the revision will require an amended wastewater permit. As the total number of bedrooms associated with Units 4 and 5 (total of 6) will not change the approval should be straightforward. All of the units in this development share a common wastewater disposal treatment area with each residence on Lots 4 and 5 having separate septic tanks.

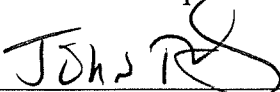
During the hearing Craig Oshkello clarified “Living Tree Alliance, LLC” is now known as “Living Tree, LLC” but is the same entity. Living Tree Common Interest Community is the 14 acre common interest community which is subject to the PUD. Paula moved to approve the application for modification of the PUD approval as presented on the condition that an appropriate wastewater permit amendment be obtained to develop Units 4 and 5 as separate residences, and that any constructed residences be no closer than 25 feet apart. Jim seconded. All approved.

There being no further business the meeting adjourned at 7:45 p.m.

Dated this 29th day of March, 2021.

Respectfully submitted

Moretown Development Review Board



By John Riley, Acting Clerk